

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL NATHAN PHILLIPS,

Defendant.

INDICTMENT

_____/

The Grand Jury charges:

COUNT 1

(Access and Attempted Access with Intent to View Child Pornography)

On or about December 8, 2015, in Kent County, in the Southern Division of
the Western District of Michigan, and elsewhere,

DANIEL NATHAN PHILLIPS

knowingly accessed and attempted to access a website with the intent to view child
pornography, including images and videos involving prepubescent children, and
such depictions had been shipped or transported in or affecting interstate or foreign
commerce by any means, including by computer.

Specifically, the defendant accessed a file sharing site on the internet that
contained one or more videos depicting a prepubescent female engaging in vaginal
and anal sex with an adult male.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

COUNT 2
(Possession of Child Pornography)

On or about July 27, 2016, in Kent County, in the Southern Division of the Western District of Michigan, and elsewhere,

DANIEL NATHAN PHILLIPS

knowingly possessed approximately 8,220 images of child pornography, including images that depicted prepubescent minors engaged in sexually explicit conduct, including, but not limited to, one or more of the visual depictions listed below by file name:

1. Carved [570].jpg,
2. Carved [1413].jpg,
3. Carved [12353536].jpg,
4. Carved [13205504].jpg,
5. Carved [40271872].jpg, and
6. Carved [9011200].jpg.

Such depictions were produced using materials that had been shipped or transported in or affecting interstate or foreign commerce, including, but not limited to, a 16 gigabyte USB thumb drive and a Macbook Pro, manufactured in China.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

FORFEITURE ALLEGATION

(Access with Intent to View Child Pornography; Possession of Child Pornography)

The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A,

DANIEL NATHAN PHILLIPS

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. § 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to both counts, includes, but is not limited to, the following:

- a. Apple Macbook Pro, serial number C2QG9CGTDRJ7 (Counts 1 and 2); and
- b. 16 GB USB thumb drive seized from his residence on July 27, 2016 (Count 2).

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

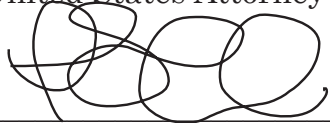
18 U.S.C. § 2253
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)
18 U.S.C. § 2252A
18 U.S.C. § 2256(8)(A)

A TRUE BILL



GRAND JURY FOREPERSON

ANDREW BYERLY BIRGE
Acting United States Attorney



ALEXIS M. SANFORD
Assistant United States Attorney